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EXAMINER	
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ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/931,077	YEH, CHIA-WEN	
	Examiner	Art Unit	
	Ashok B. Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Application Number 09/931, 077 was filed on 08/17/2001. Claims 1-18 are subject to examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 7, 9, 10 , 16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "analytically comparing" in claims 1 and 10 is a relative term which renders the claim indefinite. The term " analytically comparing " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. "Analytically comparing" is carried out by comparing to what other data? What parameters/factors are being used for comparison in order to "re-construct" the data?

The terms "a precise comparing system "" a general comparing system" in claims 9 and 18, and "different data analytical comparison" in claims 7 and 16, respectively, are relative terms which renders the claim indefinite. The terms "a precise comparing system "" a general comparing system" and "different data analytical comparison" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably

apprised of the scope of the invention. "a precise comparing system "" a general comparing system" and "different data analytical comparison" is carried out by comparing to what other data? What parameters/factors are being used for comparisons such as "a precise comparing system "" a general comparing system" in order to "re-construct" the data?

For the purpose of this office action these terms are being interpreted as being the statistical analysis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being Unpatentable over Glommen et al. (hereinafter Glommen) (US 6, 393, 479) in view of Gerace (US 5, 991, 735)

Referring to claim 1,

The reference Glommen teaches a method for real-time analyzing and processing data over the internet, which is used in a system for real-time analyzing and processing data having a web site server (Abstract, Fig. 1), a database (Fig.1, element 106," For every website page requested by a website visitor, the state of the visitor's browser is

recorded and data relating to the path visitors take through the website is collected and studied.", Abstract), a data statistically-analyzing server (Fig.1, element 106, Note: Element 106 is identified as "traffic Analysis servers" that is a collection of servers within the element 106, col. 6, lines 5-7), comprising the steps of: The reference also teaches (1) linking a browser of a user's computer device to the web site server of the system for real-time analyzing and processing data through the internet, and via the web site server displaying in the browser and recording data relating to the user's information (col.5, lines 65 through col. 6, line 10). The reference also teaches "statistically analyzing, "analytically comparing" of different data in col. 10, lines 1-11.

However, the reference Glommen fails to teach explicitly teach a data classifying-processing server, a data controlling-processing server and displaying a homepage of the web site server in the browser.

The reference Gerace teaches "The psychographic profile is formed by recording computer activity and viewing habits of the end user.", (Abstract) and "The tracking and profiling member also records demographics of each user.", (col. 2, lines 38-39, Figs. 3B-3G Note: data is classified within various categories as shown in Figs. 3B-3G). (wherein the recorded data are transmitted for classifying in to categories (2) classifying and processing the data from the web site server;) The reference also teaches (3) integrally constructing the classified and processed data from the step (2), and transmitting the integrally-constructed data to the database for storage; (Fig. 2, element 73, Fig. 3A, elements 37a –37f, col. 6, lines 14-15). The reference also teaches (4) statistically analyzing, analytically comparing and re-constructing the integrally-

constructed data in the database, and transmitting the analyzed data to the data managing-processing module; (col. 17, line 27-44). The reference also teaches (5) via the data managing-processing module (Fig.3A, elements 33b-33d) managing the data managing interface (Fig. 3A, element 33a) in a manner that the data managing-processing module is correspondingly responsive to different requests from the data managing interface; (6) via the data managing-processing module managing and controlling the data in response to the analyzed data, wherein the management and controlling is modified by the data managing-processing module according to a request from the data managing interface (col. 19, line 10-58); and (7) modifying parameters relating to the user's information, and transmitting the modified parameters to the web site server for displaying the homepage of the web site server or a homepage of a different web site for the user in response to the parameters. (col. 19, lines 59-67, col. 5, lines 16-35).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the functionality of the Glommen's traffic analysis server (Fig.1, element 106, Note: Element 106 is identified as "traffic Analysis servers" that is a collection of servers within the element 106, col. 6, lines5-7) by incorporating the teachings of the reference Gerace's program 31 as an individual servers as shown above (a data classifying-processing server, a data controlling-processing server) such that in response to user commands, the integrated traffic analysis server (combination of Glommen's traffic analysis server and Gerace's program 31) (i) obtains information from the agate data portion and user profiling

member, (ii) creates and obtains the psychographic profile of the user from the obtained information, and (iii) generates and displays appropriate screen views to the user based on the created psychographic profile of the user as taught by Gerace.

Referring to claims 2 and 3,

Keeping in mind the teachings of the reference Glommen, the reference explicitly fails to teach wherein in the step (1), the web site server displays in the browser the homepage thereof in content responsive to system access right of the user identified according to an identification number (ID) and a password input by the user to the web site server through the browser, while in the case of no ID and password being input, the web site server displays a default homepage in the browser, and wherein the displaying of the homepage of the web site server or the different web site is implemented by the web site server further responsive to the user's ID as well as user's behavior recorded in a previous web site having the user's ID or a new web site browsed by the user, in cooperation with the data classifying-processing server, the data controlling-processing server, the database, the data statistically-analyzing server and the data managing-processing module. The reference Gerace teaches "In particular, in response to user login, program controller 79 checks with the user profiling member 73 to determine whether the user has in the past logged on to program 31 or is a new user. In the former case, according to records in the user profiling member 73, the program controller 79 obtains preference information for that user and using agate information from the agate data assembly 71 generates an initial screen view formatted according to the user's recorded preferences. Program controller 79 transmits the generated

screen view through Web server 27 for display to the user. In the latter case (a first time/new user), program controller 79 assigns a unique users computer ID upon user login. This, in turn, enables user profiling member 73 to initialize tracking of viewing activity of the new user immediately following login. Program controller 79 obtains initial agate information from agate data assembly 71 to display the Home Page to the new user. Program controller 79 also obtains user identification information from the user to assign a user name and password at the user's convenience.", col. 5, lines 16-35, and col. 19, lines 59-67.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the functionality of the Glommen's traffic analysis server (Fig.1, element 106, Note: Element 106 is identified as "traffic Analysis servers" that is a collection of servers within the element 106, col. 6, lines5-7) by incorporating the teachings of the reference Gerace's program 31 such that in response to user commands, the integrated traffic analysis server (combination of Glommen's traffic analysis server and Gerace's program 31) (i) obtains information from the agate data portion and user profiling member, (ii) creates and obtains the psychographic profile of the user from the obtained information, and (iii) generates and displays appropriate screen views to the user based on the created psychographic profile of the user as taught by Gerace.

Referring to claim 4,

The reference Glommen teaches wherein the user's information recorded by the web site server includes user's browsing behavior, content of a web site browsed by the

user. (col. 4, lines 35-40). However, the reference explicitly fails to teach personal information input by the user. The reference Gerace teaches all these limitations in Figs. 3B-3G). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the functionality of the Glommen's traffic analysis server (Fig.1, element 106, Note: Element 106 is identified as "traffic Analysis servers" that is a collection of servers within the element 106, col. 6, lines5-7) by incorporating the teachings of the reference Gerace's program 31 such that in response to user commands, the integrated traffic analysis server (combination of Glommen's traffic analysis server and Gerace's program 31) (i) obtains information from the agate data portion and user profiling member, (ii) creates and obtains the psychographic profile of the user from the obtained information, and (iii) generates and displays appropriate screen views to the user based on the created psychographic profile of the user as taught by Gerace.

Referring to claim 5,

Keeping in mind the teachings of the reference Glommen as stated above, the reference fails to teach wherein the personal information includes an e-mail account or an identification number. The reference Gerace teaches all these limitations in Figs. 3B-3G). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the functionality of the Glommen's traffic analysis server (Fig.1, element 106, Note: Element 106 is identified as "traffic Analysis servers" that is a collection of servers within the element 106, col. 6, lines5-7) by incorporating the teachings of the reference Gerace's program 31 such that in response

to user commands, the integrated traffic analysis server (combination of Glommen's traffic analysis server and Gerace's program 31) (i) obtains information from the agate data portion and user profiling member, (ii) creates and obtains the psychographic profile of the user from the obtained information, and (iii) generates and displays appropriate screen views to the user based on the created psychographic profile of the user as taught by Gerace.

Referring to claim 6,

Keeping in mind the teachings of the reference Glommen as stated above, although the reference teaches a database (Fig.1, element 106," For every website page requested by a website visitor, the state of the visitor's browser is recorded and data relating to the path visitors take through the website is collected and studied.", Abstract), a data statistically-analyzing server (Fig.1, element 106, Note: Element 106 is identified as "traffic Analysis servers" that is a collection of servers within the element 106, col. 6, lines 5-7), the reference explicitly fails to teach wherein in the step (2), the data classifying-processing server classifies and processes the data in the use of an analyzing rule and a behavior recording rule pre-constructed in the data classifying-processing server. The reference Gerace teaches in col. 5, lines 16-35, and col. 19, lines 59-67, the data server classifies and processes the data in the use of an analyzing rule and a behavior recording rule pre-constructed in the data server as shown in Figs. 3B-3G. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the functionality of the Glommen's traffic analysis server (Fig.1, element 106, Note: Element 106 is identified as "traffic Analysis

servers" that is a collection of servers within the element 106, col. 6, lines5-7) by incorporating the teachings of the reference Gerace's program 31 as an individual servers as shown above (a data classifying-processing server) such that in response to user commands, the integrated traffic analysis server (combination of Glommen's traffic analysis server and Gerace's program 31) (i) obtains information from the agate data portion and user profiling member, (ii) creates and obtains the psychographic profile of the user from the obtained information, and (iii) generates and displays appropriate screen views to the user based on the created psychographic profile of the user as taught by Gerace.

Referring to claim 7,

Keeping in mind the teachings of the reference Glommen, the reference teaches the data statistically-analyzing server (Fig.1, element 106) further provides functions of analytical statistics (col.10, lines 1-11), data storing application a database (Fig.1, element 106," For every website page requested by a website visitor, the state of the visitor's browser is recorded and data relating to the path visitors take through the website is collected and studied.", Abstract), different data analytical comparison (col. 10, lines 1-11.) The reference fails to explicitly teach on-line determination and customizing interface for analyzing the data. The reference Gerace teaches different data analytical comparison and on-line determination and customizing interface for analyzing the data. (col. 19, lines 10-67, col. 5, lines 16-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the functionality of the Glommen's traffic analysis server (Fig.1, element 106,

Note: Element 106 is identified as "traffic Analysis servers" that is a collection of servers within the element 106, col. 6, lines5-7) by incorporating the teachings of the reference Gerace's program 31 such that the integrated traffic analysis server (combination of Glommen's traffic analysis server and Gerace's program 31) allows sponsors to sort groups of users by demographics, to compare success rates of different user groups, advertisements, advertisement aspects, etc. The methods employed by subroutine 41 and program 31 of Gerace does provide graphical reports when appropriate and format report data in a manner which is easily printable or transportable to presentations software as taught by Gerace.

Referring to claim 8,

Keeping in mind the teachings of the reference Glommen stated above, the reference fails to teach wherein the data managing-processing module further generates a statistically analytical report for the user's information in response to a request from the data managing interface, as well as, adjusts condition of processing the data as requested by the data managing interface. The reference Gerace teaches these limitations in col. 19, lines 10-67. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the functionality of the Glommen's traffic analysis server (Fig.1, element 106, Note: Element 106 is identified as "traffic Analysis servers" that is a collection of servers within the element 106, col. 6, lines5-7) by incorporating the teachings of the reference Gerace's program 31 such that the integrated traffic analysis server (combination of Glommen's traffic analysis server and Gerace's program 31) allows sponsors to sort groups of users by

demographics, to compare success rates of different user groups, advertisements, advertisement aspects, etc. The methods employed by subroutine 41 and program 31 of Gerace does provide graphical reports when appropriate and format report data in a manner which is easily printable or transportable to presentations software as taught by Gerace.

Referring to claim 9,

Keeping in mind the teachings of the reference Glommen stated above, the reference teaches "n Internet-based analysis tool follows, in real-time, the flow of traffic through a website." (Abstract) (modifies the parameters in the use of a real-time output mode). The reference also teaches "a precise comparing system, a general comparing system" (col.10, lines 1-11). The reference explicitly fails to teach data controlling-processing server and a behavior re-recording rule pre-constructed in the data controlling-processing server. The reference Gerace teaches a behavior re-recording rule pre-constructed in the data controlling-processing server in col. 17, lines 27-44 and col. 19, line 10-67. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to enhance the functionality of the Glommen's traffic analysis server (Fig.1, element 106, Note: Element 106 is identified as "traffic Analysis servers" that is a collection of servers within the element 106, col. 6, lines5-7) by incorporating the teachings of the reference Gerace's program 31 as an individual servers as shown above (a data classifying-processing server) such that in response to user commands, the integrated traffic analysis server (combination of Glommen's traffic analysis server and Gerace's program 31) (i) obtains information from the agate data

portion and user profiling member, (ii) creates and obtains the psychographic profile of the user from the obtained information, and (iii) generates and displays appropriate screen views to the user based on the created psychographic profile of the user as taught by Gerace.

Referring to claim 10,

Claim 10 is a claim to a system that carries out the method of claim 1. Therefore claim 10 is rejected for the reasons set forth for claim 1.

Referring to claims 11 and 12,

Claims 11 and 12 are claims to a system that carries out the methods of claims 2 and 3. Therefore claims 11 and 12 are is rejected for the reasons set forth for claims 2 and 3.

Referring to claim 13,

Claim 13 is a claim to a system that carries out the method of claim 4. Therefore claim 13 is rejected for the reasons set forth for claim 4.

Referring to claim 14,

Claim 14 is a claim to a system that carries out the method of claim 5. Therefore claim 14 is rejected for the reasons set forth for claim 5.

Referring to claim 15,

Claim 15 is a claim to a system that carries out the method of claim 6. Therefore claim 15 is rejected for the reasons set forth for claim 6.

Referring to claim 16,

Claim 16 is a claim to a system that carries out the method of claim 7. Therefore claim 16 is rejected for the reasons set forth for claim 7.

Referring to claim 17,

Claim 17 is a claim to a system that carries out the method of claim 8. Therefore claim 17 is rejected for the reasons set forth for claim 8.

Referring to claim 18,

Claim 18 is a claim to a system that carries out the method of claim 9. Therefore claim 18 is rejected for the reasons set forth for claim 9.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp
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